

UNITED STATES DISTRICT COURT

for the

Southern District of New York

ELECTRONICALLY FILE

FILED: 5/30/2024

United States of America

v.

Jose Nunez Duarte
a/k/a Jose Javier Rivera

Date of Original Judgment: 09/29/2021

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 1: 20 CR 329-01 (CM)

USM No: 76392-054

Mark I. Cohen

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

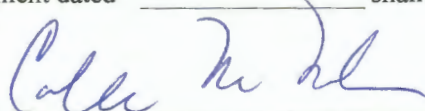
The November 1, 2023, edition of the Guidelines Manual amended the enhancement for committing the instant offense while on a criminal justice sentence at USSG §4A1.1(e) ("status points") and created a reduction in the offense level for zero-point offenders at USSG §4C1.1. Pursuant to §1B1.10, these amendments have been made retroactive.

The defendant is precluded from a sentence reduction pursuant to the 2023 Retroactive Guideline Amendments because defendant's original sentence was at or below the low end of the amended guideline range.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 05/29/2024



Judge's signature

Effective Date: _____
(if different from order date)

Colleen McMahon, U.S.D.J.

Printed name and title